

# Special Session

<b>Agenda Item #</b>	5
<b>Meeting Date</b>	6 December 2004
<b>Prepared By</b>	Sara Anne Daines ECD Director
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	First Reading of Ordinance Amending City Code Chapter 6 Housing Article 4 Landlord-Tenant Relations which addresses the provision of air conditioning
<b>Background</b>	<p>The Council, concerned about the impact of the enforcement of certain sections of the property maintenance code which restrict the use of individual window air-conditioning units, has proposed the amendment of the City Code to ensure the continued provision of air conditioning in licensed rental units in Takoma Park.</p> <p>The proposed amendment would expand the obligations of the landlord as set forth in Article 4 Landlord-Tenant Relations, requiring a landlord to maintain air-conditioning in rental units where he or she had previously provided the air-conditioning and where the tenant had been allowed to install and operate their own individual AC window units. Landlords would be required to include in their leases language which would indicate whether air-conditioning was provided in the rental unit, how it was to be provided, and if so, if there was a cost for the service.</p> <p>Adoption of the amendment will prevent the removal of existing air-conditioning units as a means of abating a violation of the property maintenance code and provide the Landlord Tenant Office with the means of ensuring compliance with the ordinance.</p> <p>This is the first of two required readings of the proposed amendment. The second reading of the amendment is scheduled for Monday, December 13.</p>
<b>Policy</b>	To enforce minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy of rental housing residences.
<b>Fiscal Impact</b>	Not Applicable.
<b>Attachments</b>	Proposed Ordinance Amendment
<b>Recommendation</b>	To introduce the proposed amendment.
<b>Special Consideration</b>	A two reading ordinance is required to amend the City Code.

Introduced by:

First Reading:

Second Reading:

Drafted by: Kenneth Sigman

Asst. City Attorney

Effective Date:

Draft date: November 30, 2004

## **ORDINANCE NO. 2004-**

### **Landlord Obligations and Lease Requirements Regarding Air Conditioning**

**WHEREAS**, enforcement of the Montgomery County Property Maintenance Code resulted in the removal of air conditioning units in some rental units in the City; and

**WHEREAS**, the City wishes to promote the continued provision of air conditioning in rental units where air conditioning previously has been available; and

**WHEREAS**, the City wishes to promote the safe operation of air conditioning in residential properties; and

**WHEREAS**, the City wishes to ensure that landlords and tenants are aware of their rights and obligations with respect to air conditioning in rental units;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

**SECTION 1.** Chapter 6, Housing, of the *Takoma Park Code* shall be amended as follows:

#### **Sec. 6-404. Obligations of Landlord**

All Landlords shall:

(k) Provide, under the same terms and conditions, air-conditioning in rental units where tenants have previously been provided air-conditioning.

(l) Allow tenants to install and use air-conditioning units in rental units where the lease is silent regarding the installation, provision, or use of air conditioning or the lease expressly authorizes tenants to install and use air-conditioning units.

#### **Sec. 6-405. Lease Requirements**

All leases shall:

(o) Give notice to the tenant of the right to have air conditioning if air conditioning was previously available to tenants of the rental unit under the same terms

and conditions, except for a reasonable increase in fees consistent with Department regulations, as the previous tenants.

(p) State whether air conditioning is available for the rental unit and, if air conditioning is available for the rental unit, state whether the landlord or tenant will provide and maintain the air conditioning unit(s), the number and location of permitted air conditioning units, and the fees, if any, associated with the provision of air conditioning. If a lease does not include the information required by this paragraph, then the tenant shall have the right to install a window air conditioning unit in each sleeping room unless such installation would constitute a violation of any other law, and the landlord shall be responsible for the cost of installing any electrical upgrades necessary to allow use of such air conditioning units in a manner that is in compliance with the Property Maintenance Code.

[Additions to the *Code* are underlined.]

**SECTION 2.** This Ordinance shall be effective immediately.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain: